

UNITED STATES OF AMERICA,) No. CR 10 00050 PJH (LB)
)
Plaintiff,)
)
v.) SUPPLEMENTAL
) DETENTION ORDER
)
JASHUA BAPTISTA,)
)
Defendant.)
)

Pretrial Services since has provided additional information to the Court about (A) whether Baptista was on probation at the time of the alleged offenses (he was) and (B) whether more information could be obtained about sureties, Baptista's job, and substance abuse issues. Based on new information about available sureties, employment, and ties to the community, the Court now finds that the government has not established flight risk by a preponderance of the evidence. *See*

1 *United States v. Motamedi*, 767 F.2d 1403, 1406 (9th Cir. 1985). The new information does not
2 alter the Court's previous conclusion that no condition or combination of conditions in section
3 3142(c) will reasonably assure the safety of the community. This conclusion is reinforced by the
4 fact that Baptista was on probation at the time of this offense, giving the Court no assurance that
5 he would comply with any conditions of release the Court might set.

6 Accordingly, the Court affirms its previous order detaining Baptista as a danger to the
7 community. Because Baptista waived his right to present information under 3142(f) without
8 prejudice to raising any relevant information at a later hearing, the Court orders that the hearing
9 may be reopened at Baptista's request at any future time.

10 IT IS SO ORDERED.

11 DATED: February 3, 2010



LAUREL BEELER
United States Magistrate Judge